

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiffs,**

**v.**

**ALFRED D. ROGERS,**

**Defendant.**

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**8:00CR358**

**MEMORANDUM ORDER**

This matter is before the court on defendant's Motion to Vacate Pursuant to Rule 60(b)(4) and Motion for Reconsideration (Filing No. 153). In his motion defendant argues that the district court lacked jurisdiction over his case because: (1) the indictment filed against the defendant was not returned by a grand jury to a federal magistrate in open court; and (2) the indictment against Rogers was initiated by a state prosecutor who was not acting under the supervision of the United States Attorney.

This court has addressed both of these issues in previous Orders. (Filing Nos. 151 & 132). Based on the reasons set forth in filing no. 151 and filing no. 132 the defendant's motion is denied.

**IT IS ORDERED:**

1. Defendant's Motion to Vacate Pursuant to Rule 60(b)(4) and Motion for Reconsideration (Filing No. 153) is denied.
2. The Clerk of Court is directed to send a copy of this Order to defendant at his last known address.

DATED this 18<sup>th</sup> day of August, 2006.

**BY THE COURT:**

s/Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge